Reservation in judiciary

2825. SHRI SYED AZEEZ PASHA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Department-related Parliamentary Standing Committee on Personnel, Public Grievances and Pensions and Law and Justice has recommended to bring higher judiciary *i.e.* Supreme Court and High Courts, under the ambit of reservation; and

(b) if so, the details thereof and Government's reaction thereto?

THE MINISTER OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): (a) and (b) Yes, Sir. The Department-related Parliamentary Standing Committee on Personnel, Public Grievances and Pensions and Law and Justice in their Report submitted to the Parliament on the Judges (Inquiry) Bill, 2006, which *inter-alia* provides for setting up of a National Judicial Council in order to devise a suitable legislaiive framework for empowering a judicial forum to deal with complaints against judges of the Supreme Court and High Courts, has recommended bringing the higher judiciary under the ambit of reservation.

Appointments of Judges of the Supreme Court of India and High Courts are made under articles 124 and 217 of the Constitution of India, respectively, which do not provide for reservation for any caste or class of persons. Any change in the present system would require Constitutional amendment.

Completion of work by Delimitation Commission

2826. SHRI V. HANUMANTHA RAO: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the reasons for delay in completion of work by the Delimitation Commission:

(b) whether it is a fact that the Commission had to finish its work within two years of operational time;

(c) when the present Commission was appointed; and

(d) the steps proposed to facilitate finalisation and announcement of the report and recommendations of the Commission?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) The Delimitation Commission could not complete its work by the scheduled time because of the intervening circumstances mentioned hereunder:

(i) In June, 2003, Parliament passed Constitution (Eighty-seventh Amendment) Act, 2003 which provides that the Delimitation of the Assembly and Parliamentary Consituencies should be done on the basis of 2001 census figures. As a consequence, the work done by the Commission till June, 2003 on the basis of 1991 census figures became non-est and the Commission started afresh. These figures were made available to the Commission much later.

(ii) The Delimitation Commission, in terms of the Constitutional provisions, can base its work, only on the published census figures. The 2001 census figures were published as late as on 31st December, 2003

(iii) Thereafter in March, 2004 the Lok Sabha was dissolved. Fresh elections were held and the Fourteenth Lok Sabha was constituted. The Associate Members of the Delimitation Commission were nominated by the Lok Sabha Speaker in July, 2004.

(iv) The Gauhati High Court stayed the delimitation exercise in respect of the State of Arunachal Pradesh, Assam, Nagaland and Manipur on the grounds of disputed census figures.

(b) and (c) The Delimitation Commission was constituted under section 3 of the Delimitation Act, 2002 *vide* Government of India Gazette Notification dated 12th July, 2002. Initially, the Delimitation Commission was given a term of two years from the date of publication of Notification dated the 12th July, 2002. Subsequently, its term was extended on year to year basis *vide* the Government of India Notification number S.O. 1064 (E), dated the 2nd July, 2007 its present term has been extended up to the 31st July, 2008.

(d) So far the Delimitation Commission has completed its exercise in respect of 25 States. The Delimitation exercise with respect to the remaining States and Union territories is yet to be completed. The new delimitation will take effect from the date to be specified by the President of India under the second proviso to article 82 and second proviso clause (3) of article 170 of the Constitution.

Free legal services

2827. SHRI RAJKUMAR DHOOT:
SHRI JAI PARKASH AGGARWAL:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the National Legal Service Authority has been providing free legal services to eligible persons;

(b) the criteria fixed by the Central Government and the Legal Assistance Fund Authority to provide free legal assistance to the people;

(c) the details of the financial assistance provided by the Central Government under Section 12 of the Legal Service Authorities Act, 1987 during the last three years, till date, year-wise and State-wise; and

(d) the number of persons who were provided free legal services and the amount spent by NLSA thereon during that period State-wise and UT-wise?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K.VENKATAPATHY): (a) Yes, Sir.

(b) As per Section 12 of the Legal Services Authorities Act, 1987, every person who has to file or defend a case shall be entitled to legal services if that person is–